

Guidance on General Plan Amendments for Addressing Flood Risk (September 2014)

FREQUENTLY ASKED QUESTIONS



ABOUT THIS GUIDANCE

1. What is this *Guidance*?

DWR developed *Guidance on General Plan Amendments for Addressing Flood Risk* (*Guidance*) as an advisory resource for **cities and counties within the Sacramento-San Joaquin Valley** to consider when amending their general plans based on [California Government Code §65302.9](#) requirements to include data and analysis contained in the [2012 Central Valley Flood Protection Plan](#) (e.g., locations of the facilities of the State Plan of Flood Control and locations of property protected by those facilities); locations of flood hazard zones; and general plan goals, policies, objectives, and implementation measures reflective of the [2012 Central Valley Flood Protection Plan](#).

This *Guidance* is part of DWR's ongoing technical assistance efforts and serves as an extension of [Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities \(2010 Handbook\)](#), providing updated information on [California Government Code §65302.9](#) compliance; procedures for requesting data and tools developed by DWR and other agencies; and samples of general plan goals, objectives, policies, and implementation measures.

2. Under what authority did DWR prepare this *Guidance*?

DWR has a long standing tradition of providing technical assistance to local agencies, as authorized by multiple sections of the California Water Code, including [§8400 through §8415](#) enacted by the Cobey-Alquist Flood Plain Management Act.

[California Government Code §65302.9\(c\)](#) requires DWR to provide technical assistance to cities and counties within the Sacramento-San Joaquin Valley as they work through their general plan amendment processes. DWR has prepared this *Guidance* in an effort to provide value-added technical assistance to cities and counties that need to comply.

3. Given that DWR is not an authority on general plans or land use, how did DWR develop this *Guidance*?

Recognizing that DWR is not an authority on general plans or land use, this *Guidance* was developed with the expertise of the [Governor's Office of Planning and Research \(OPR\) General Plan Guidelines](#) to align the State law requirements with general plan preparation and the consideration of the sample general plan language offered in the *Guidance*.

DWR focused on providing the following in preparation of this *Guidance*, understanding its role and responsibility is to provide technical assistance that maintains enough flexibility to allow for adaptation to local conditions:

- updated information on compliance requirements reflecting the relevant legislative amendments since the [2010 Handbook](#) was released,

- list of the available data and tools developed by DWR and other agencies and its potential uses in general plan amendments, and
- an array of sample goals, policies, objectives, and implementation measures that cities and counties can consider when adding to or modifying their general plan elements. These samples are intended as a starting point for adaptation and refinement by local agencies to meet their individual local flood management needs and conditions.

4. Will this *Guidance* go through a public review process?

As stated previously, DWR has prepared this *Guidance* as an advisory technical assistance resource for cities and counties. It will not have a public review process.

During the preparation of this *Guidance*, a draft version was provided to city and county users, the [Central Valley Flood Protection Board](#), partner State and federal agencies, flood control agencies, and other interested parties for their help and input. The comments received were evaluated and changes were made to benefit this *Guidance*.

DWR prepared this *Guidance* as a resource for cities and counties to use when addressing State law requirements, while providing agencies the ability to adapt information for local conditions. The goal of the *Guidance* is to have a user-friendly document that can benefit the planning, flood management, and public works communities through its practical applications.

USES OF THIS GUIDANCE

1. What are the specific code sections pertinent to the content in the *Guidance*?

This *Guidance* focuses on compliance with [California Government Code §65302.9](#), which requires cities and counties within the Sacramento-San Joaquin Valley to amend their general plans to include data and analysis contained in the [2012 Central Valley Flood Protection Plan](#) (e.g., locations of the facilities of the State Plan of Flood Control and locations of property protected by those facilities); locations of flood hazard zones; and general plan goals, policies, objectives, and implementation measures reflective of the [2012 Central Valley Flood Protection Plan](#).

[California Government Code §65302.9](#) was enacted by [Senate Bill 5 \(2007\)](#) to strengthen the linkage between local land use planning decisions and flood management practices. There have been several amendments related to [California Government Code §65302.9](#) since 2007, including [Senate Bill 1278 \(2012\)](#), [Assembly Bill 1965 \(2012\)](#), and [Assembly Bill 1259 \(2013\)](#). This *Guidance* is intended to provide updated information on compliance requirements.

2. Which communities are subject to the requirements?

The general plan amendment requirements apply to **cities and counties within the Sacramento-San Joaquin Valley**, as defined by [California Government Code §65007\(h\)](#), which states “[a]ny lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.”

For additional information on the Sacramento-San Joaquin Valley, refer to DWR's [2013 Urban Level of Flood Protection Criteria](#).

3. What is the schedule for compliance?

Cities and counties within the Sacramento-San Joaquin Valley have up to 24 months after July 2, 2013 (or no later than July 2, 2015), to amend their general plans and an additional 12 months thereafter to update local zoning ordinances (or no later than July 2, 2016, whichever comes first).

This process can also include updates to local floodplain management ordinances or other municipal codes to be consistent with the general plan goals, policies, objectives, and implementation measure amendments.

4. How does this *Guidance* relate to DWR's *Urban Level of Flood Protection Criteria* and its preparation?

Based on the requirement in [California Government Code §65007\(n\)](#), DWR developed the [2013 Urban Level of Flood Protection Criteria](#) to assist affected cities and counties within the Sacramento-San Joaquin Valley in making findings related to an Urban Level of Flood Protection before approving certain land use decisions.

This *Guidance* is indirectly related to the aforementioned criteria. After completing the necessary general plan and zoning ordinance amendments, no later than July 2, 2016, cities and counties must make a finding related to an Urban Level of Flood Protection (200-year), or the national Federal Emergency Management Agency standard of flood protection (100-year), based on substantial evidence in the record before approval of specific land use decisions in certain locations.

Additionally, during the preparation of the [2013 Urban Level of Flood Protection Criteria](#), communities expressed the need for DWR's assistance in their general plan amendment process, including data, tools, and information access, and guidance on use of the large body of information to support the development of [2012 Central Valley Flood Protection Plan](#). This *Guidance* is a direct outcome of such a request.

5. Is this *Guidance* regulatory in nature, where cities and counties need to abide by this *Guidance*?

This *Guidance* is not a regulatory document, nor does it establish any basis for State law compliance. Rather, it was developed in an effort to provide value-added technical assistance to cities and counties as advisory information.

CONTENTS OF THIS GUIDANCE

1. Is the 2012 Central Valley Flood Protection Plan the only information source that cities and counties need to consider for compliance?

[California Government Code §65302.9](#) identifies the [2012 Central Valley Flood Protection Plan](#) as the source of the information cities and counties in the Valley should use to amend their local general plans. The [2012 Central Valley Flood Protection Plan](#) was supported by a large body of data, tools, and information, which can be useful for cities and counties to reference and help fill potential data gaps. The [2012 Central Valley Flood Protection Plan](#) was also developed consistent with other DWR flood management planning efforts,

including the [Statewide Flood Management Planning \(SFMP\)](#) program and the [California Water Plan](#), which both have a broad integrated water management (IWM) approach.

DWR suggests that cities and counties consider this broad IWM approach and review additional information, relevant data, and program activities from related local, regional, additional State, and federal agencies.

2. Why does DWR provide additional data and information in the *Guidance* that was not specifically referenced in the legislation?

DWR suggests that cities and counties consider a broad, integrated water management (IWM) approach when reviewing additional information, relevant data, and program activities as they amend their general plans.

The large body of data and analysis supporting the development of [2012 Central Valley Flood Protection Plan](#) focuses on the areas protected by the facilities of the State Plan of Flood Control as defined by [California Water Code §9110\(f\)](#). However, there are areas and communities that may be within the Sacramento-San Joaquin Valley, but are outside of the areas protected by State Plan of Flood Control facilities. For this reason, DWR believes that it would be prudent and valuable for cities and counties to take a broad IWM approach and consider additional information and data from related local, regional, State, and federal flood management planning efforts.

This approach could not only help in filling potential data gaps, but more importantly, it recognizes that the [2012 Central Valley Flood Protection Plan](#) was also developed consistent with other DWR flood management planning efforts, including the [Statewide Flood Management Planning \(SFMP\)](#) program and the [California Water Plan](#), which both have a broad integrated water management (IWM) approach.

Furthermore, this *Guidance* offers cities and counties information from their peers for reference; including sample goals, policies, objectives, and implementation measures from general plans of communities within the Sacramento-San Joaquin Valley, which could help with the general plan amendments.

3. What is the potential use of the informational 200-year maps DWR prepared, based on California Water Code §9610(d) which was enacted through Senate Bill 1278 (2012), in the general plan amendment process?

An important element in developing local land use flood safety provisions is the identification and mapping of those areas at risk of flooding. DWR was directed to develop 200-year informational floodplain maps for urban areas within the Sacramento-San Joaquin Valley to help support the determinations relating to the flood protection for these areas. These maps provide information about flooding; including the estimated water surface elevation in the event State Plan of Flood Control facilities were to fail during a 200-year flood event.

DWR provided the following urban area communities with the [California Water Code §9610\(d\)](#) maps: City of Chico, City of Yuba City, City of Marysville, City of Sacramento, City of West Sacramento, City of Elk Grove, City of Woodland, City of Davis, City of Stockton, City of Lathrop, and City of Merced.

It is important to note that the [California Water Code §9610\(d\)](#) maps are in addition to, and differ from, the regulatory maps prepared by the Federal Emergency Management Agency (FEMA) and other maps prepared by the United States Army Corps of Engineers (USACE) for their study and implementation action needs.

Another point for consideration is that the [California Water Code §9610\(d\)](#) maps reflect flooding from State Plan of Flood Control facilities and therefore may not reflect all sources of flooding, such as non-project levees, contributing streams, or local drainage. As a result, communities need to evaluate their local conditions to determine if these maps are sufficient to support their planning actions or general plan amendment requirements.

4. Will DWR prepare maps for other areas within the Sacramento-San Joaquin Valley that are not protected by State Plan of Flood Control facilities?

DWR currently does not have plans to prepare additional 200-year informational floodplain maps for other areas within the Sacramento-San Joaquin Valley. DWR, as a State agency, does not typically produce flood inundation maps for any regulatory or land use purposes. The instruction from the legislature for preparing the [California Water Code §9610\(d\)](#) maps was very specific regarding its purposes and scope.

5. Why didn't DWR prepare "model" general plan language to respond to the legislation?

DWR recognizes that each community that is subject to the general plan amendment requirements has their own unique considerations for compliance, and with the varying local settings, needs, priorities, and preferences of each city or county, a "one size fits all" model approach (i.e., model language) to addressing the State law general plan amendment requirements is neither practical nor advisable. Instead, DWR has determined that what would be most useful and beneficial for communities is a broad context with information generated from the multi-faceted DWR [FloodSAFE California](#) initiative including, but not limited to, data and information from the [2012 Central Valley Flood Protection Plan](#), [2013 California Water Plan](#), [2013 California's Flood Future: Recommendations for Managing the State's Flood Risk](#), [Regional Flood Management Planning \(RFMP\)](#) efforts, and [Statewide Flood Management Planning \(SFMP\)](#) program.

DWR'S IMPLEMENTATION ROLE

1. What is DWR's implementation role in the general plan amendment requirement process?

DWR does not have an implementation role in the general plan amendment process. DWR developed this *Guidance* for technical assistance purposes, consistent with its authority and responsibility. DWR will continue to offer technical assistance to cities and counties, especially in providing DWR-generated data and information.

2. Who has the enforcement authority for compliance regarding California Government Code §65302.9?

[Senate Bill 5 \(2007\)](#), as amended, does not specify any review, approval, or enforcement authority by any State agency, but instead relies on the due diligence of cities and counties to incorporate flood risk considerations into floodplain management and planning in compliance with the general plan amendment requirements as outlined under [California Government Code §65302.9](#).

[Assembly Bill 162 \(2007\)](#), however, does requires communities within the [Sacramento-San Joaquin Drainage District](#) to consult with the [Central Valley Flood Protection Board](#) prior to preparing or revising their safety element ([California Government Code §65302\(g\)\(5\)](#)) and to submit the draft element to the [Central Valley Flood Protection Board](#) for review and comment ([California Government Code §65302.7](#)).

To ensure that a general plan safety element submitted to the [Central Valley Flood Protection Board](#) addresses the necessary statutory requirements, refer to the [2010 Handbook](#) for additional information and technical assistance and utilize the [General Plan Safety Element Review Crosswalk](#).

3. Will DWR update this *Guidance* in the future?

DWR does not plan to update this *Guidance*. DWR anticipates that cities and counties may have the greatest challenges in amending their general plans to address [California Government Code §65302.9](#) requirements the first time they do so, and less so with future updates. DWR will continue to provide technical assistance to cities and counties in the Sacramento-San Joaquin Valley in the future, but not in the form of producing updates of this *Guidance*.

4. Will DWR be the clearinghouse for all flood management data and information found in the *Guidance* (Appendix A, Table A) for the foreseeable future?

DWR does not plan on being the clearinghouse for all flood management data and information found in Table A due to the fact that DWR does not have control over much of the information, as it was created by other local, regional, State, and federal agencies. DWR will, however, continue to provide DWR-generated information/data in a transparent and effective manner. Refer to Appendix C in the *Guidance* for more information on the DWR information/data request procedure.

5. How would one contact DWR to request information?

DWR is committed to providing information and other technical assistance ([California Government Code §65302.9\(c\)](#)) to cities and counties as they work through their general plan amendment processes. To acquire technical data, such as modeling and topography, or other flood hazard management information that is not readily accessible through this *Guidance*, a request can be made to DWR as follows:

1. **Email FloodSAFE California at:** FloodSAFE@water.ca.gov
2. **Email subject:** General Plan Amendments for Addressing Flood Risk, DWR Information/Data Request
3. **Detailed description:** List each data request in the body of the email. Clearly state why the data are being requested, its intended use, and when the request is needed.
4. **Contact information:** Provide name, title, affiliation, email, and phone number so DWR can respond appropriately to the request.

Refer to Appendix C in the *Guidance* for more information and where to direct questions.

6. Where can I download the *Guidance*?

To download an electronic copy of the *Guidance* (September 2014), go to DWR's Local Flood Risk Planning and Guidance website at www.water.ca.gov/localfloodriskplanning.